

Truckee Tahoe Airport Land Use Compatibility Plan



**Adopted by
Foothill Airport Land Use Commission
December 2, 2004**

**Adopted by
Truckee Tahoe Airport Land Use Commission
October 19, 2010**

Truckee Tahoe Airport Land Use Commission (ALUC)

Members

Nevada County Board of Supervisors:

Ted Owens – 2010 Chairman
Nevada County 5th District Supervisor

Nevada County City Selection Committee:

Mark Brown
Truckee Town Councilman

Nevada County Airport Managers:

Kevin Smith
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Placer County Board of Supervisors:

Jennifer Montgomery – 2010 Vice Chairman
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Placer County City Selection Committee:

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October 19, 2010

Prepared by



Santa Rosa, California

Introduction

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Introduction

AIRPORT LAND USE COMPATIBILITY PLANNING

Function and Applicability of the Plan

The basic function of this *Truckee Tahoe Airport Land Use Compatibility Plan* is to promote compatibility between the airport and surrounding land uses. As adopted by the Truckee Tahoe Airport Land Use Commission, the plan serves as a tool for use by the commission in fulfilling its duty to review airport and adjacent land use development proposals. Additionally, the plan sets compatibility criteria applicable to local agencies in their preparation or amendment of land use plans and ordinances and to land owners in their design of new development.

The influence area for the Truckee Tahoe Airport, as defined herein, extends roughly 2.7 miles from the airport runways. This influence area encompasses lands within three local government jurisdictions:

- County of Nevada
- County of Placer
- Town of Truckee

Additionally, portions of the airport influence area affect lands within the jurisdiction of the U.S. Forest Service. Although the authority of the Truckee Tahoe Airport Land Use Commission does not extend to federal lands, policies in the *Compatibility Plan* address the importance of coordination on airport land use compatibility matters.

Details regarding the purpose, scope, and applicability of the *Compatibility Plan* are set forth in the policy chapter that follows.

Statutory Requirements

Powers and Duties

Requirements for creation of Airport Land Use Commissions (ALUCs) were first established under the California State Aeronautics Act (Public Utility Code Sections 21670 et seq.) in 1967. Although the law has been amended numerous times since then, the fundamental purpose of ALUCs to promote land use

compatibility around airports has remained unchanged. As expressed in the present statutes, this purpose is:

“...to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.”

The statutes give ALUCs two principal powers by which to accomplish this objective. First, ALUCs must prepare and adopt an airport land use plan. Secondly, they must review the plans, regulations, and other actions of local agencies and airport operators for consistency with that plan.

Limitations

Also explicit in the statutes are two limitations on the powers of ALUCs. Specifically, ALUCs have no authority over existing land uses (Section 21674(a)) or over the operation of airports (Section 21674(e)). Neither of these terms is defined within the statutes, although the interpretation of their meaning is fairly standard throughout the state.

- > **Existing Land Uses**—The precise wording of the Aeronautics Act is that the authority of ALUCs extends only to land in the vicinity of airports that is “not already devoted to incompatible uses.” The working interpretation of this language is that ALUCs have no state-empowered authority over existing land uses. The question then becomes one of determining what conditions qualify a land use as existing.

For airport land use planning purposes, a land use can generally be considered existing once the local agency has completed all discretionary actions on the project and only ministerial approvals remain. A vacant property thus can be considered “devoted to” a particular use, even if the activity has not begun, once local government commitments along with substantial construction investments by the property owner make it infeasible for the property to be used for anything other than its proposed use. Local government commitment to a proposal can usually be considered firm once a vesting tentative map, development agreement, or other land use entitlement has been approved.

- > **Operation of Airports**—Any actions pertaining to how and where aircraft operate on the ground or in the air around an airport are clearly not within the jurisdiction of ALUCs to regulate. ALUC involvement with aircraft operations is limited to taking the operational characteristics into account in the development of land use compatibility plans. This limitation on the jurisdiction of ALUCs cannot, however, be taken to mean that they have no authority with respect to new development on airport property. For example, the law specifically requires ALUCs to review proposed airport master plans for consistency with the commission’s plans. ALUCs also are generally conceded to have authority to review proposals for nonaviation development on airport property.

A third, less absolute, limitation concerns the types of land use actions that are subject to ALUC review. The law emphasizes local general plans as the primary mechanism for implementing the compatibility policies set forth in an ALUC’s plan. Thus, each of the land use jurisdictions affected by this *Compatibility Plan* is required to make its general plan consistent with the ALUC plan (or to overrule the commission). Once a local agency has taken this action to the satisfaction of the Airport Land Use Commission, the ALUC’s authority to review projects within that jurisdiction is narrowly limited. The only actions for which review remains mandatory are proposed adoption or amendment of general plans, specific plans, zoning ordinances, and building regulations affecting land within an airport influence area. For an ALUC to review individual projects, the local agency must agree to submit them.

Truckee Tahoe Airport Land Use Commission

State law provides two basic options regarding the structure of airport land use commissions: a standard format or designation of an existing body to serve as the ALUC. Among California's 58 counties, these two formats are used in roughly equal proportions.

Membership on ALUCs structured in the standard manner is specified to be as follows:

- Two members appointed by the county board of supervisors;
- Two members appointed by a selection committee of mayors of the county's cities;
- Two members appointed by airport managers; and
- A seventh member, representing the general public, appointed by the other six members.

The designated body format has several possibilities. Most common is for a single- or multi-county council of governments or similar entity to be designated as the ALUC. Other types of bodies that serve as ALUCs in some counties include the county planning commission, the county airport commission, or the county board of supervisors.

For the Truckee Tahoe Airport, a multi-county designated body, the Sierra Planning Organization (SPO) served as the ALUC until the Truckee Tahoe ALUC was formed and held their first meeting on October 19, 2010. Commissioners were selected in accordance with Public Utilities Code (PUC) Section 21670.4. The Nevada County Transportation Commission (NCTC) Executive Director serves as the Truckee Tahoe ALUC Executive Director with support from the NCTC staff.

Relationship of the ALUC to County and City Governments

The fundamental relationship between the Truckee Tahoe Airport Land Use Commission and the governments of Nevada County, Placer County, and the Town of Truckee is set by the State Aeronautics Act. The ALUC is not simply an advisory body for the boards of supervisors or town council in the manner that their respective planning commissions are. Rather, it is more equivalent to a Local Agency Formation Commission (LAFCo). Within the bounds defined by state law, the decisions of the ALUC are final and are independent of the boards of supervisors or town council. The ALUC does not need county or town approval in order to adopt this *Compatibility Plan* or to carry out ALUC land use project review responsibilities.

Another aspect of the relationship between the ALUC and county and city governments concerns implementation of the *Compatibility Plan*. The ALUC has the sole authority to adopt this plan and to conduct compatibility reviews, but, as noted earlier, the authority and responsibility for implementing the compatibility policies rests with the local governments. Actions that the two counties and the Town of Truckee can take to implement the *Compatibility Plan* are outlined later in this chapter.

PLAN PREPARATION AND REVIEW

State Guidelines

Although state law spells out the powers and duties of airport land use commissions and many of the procedural aspects of airport land use compatibility planning, it does not contain explicit compatibility guidelines. Rather, the law refers to another document, the *Airport Land Use Planning Handbook* published by the California Division of Aeronautics. Specifically, the statutes say that, when preparing compatibil-

ity plans for individual airports, ALUCs shall “be guided by” the information contained in the *Handbook*. The most recent edition of the *Handbook* was completed in January 2002 and is available for downloading from the Division of Aeronautics web site.

The *Airport Land Use Planning Handbook* is comprised of two major parts. The first part deals with the formation and operation of ALUCs, the preparation of compatibility plans, procedures for review of local actions, and the responsibilities of local agencies. Part II contains background information regarding noise and safety compatibility concepts and sets forth basic guidelines for land use compatibility criteria. This guidance is intended to serve as the starting point for compatibility planning around individual airports. The *Handbook* is not regulatory in nature and does not constitute formal state policy.

An additional function of the *Airport Land Use Planning Handbook* is established elsewhere in California state law. The Public Resources Code creates a tie between the *Handbook* and California Environmental Quality Act (CEQA) documents. Specifically, Section 21096 requires that lead agencies must use the *Handbook* as “a technical resource” when assessing airport-related noise and safety impacts of projects located in the vicinity of airports.

Relationship to Airport Master Plan

Airport land use compatibility plans are distinct from airport master plans in function and content. In simple terms, the issues addressed by airport master plans are primarily on-airport whereas those of concern in a compatibility plan are off-airport. The purpose of airport master plans is to assess the demand for airport facilities and to guide the development necessary to meet those demands. An airport master plan is prepared for and adopted by the agency that owns and/or operates the airport. In contrast, the purpose of a compatibility plan is to assure that incompatible development does not occur on lands surrounding the airport. The responsibility for preparation and adoption of compatibility plans lies with each county’s airport land use commission.

This distinction notwithstanding, the relationship between the two types of plans is close. Specifically, Public Utilities Code Section 21675(a) requires that ALUC plans be based upon a long-range airport master plan adopted by the airport owner/proprietor. If such a plan does not exist for a particular airport, an airport layout plan may be used subject to approval by the California Division of Aeronautics.

The responsibility for master planning of the Truckee Tahoe Airport rests with the airport’s proprietor, the Truckee Tahoe Airport District (TTAD). The current master plan for Truckee Tahoe Airport was adopted by the Airport District in October 2000 and amended in December 2001. In accordance with state law, the features of the *Truckee Tahoe Airport Master Plan* having implications for off-airport land use have been taken into account in the preparation of this *Compatibility Plan*. In particular, the role of the airport and the planned long-term development of the runway system as identified in the master plan were major inputs to the compatibility policies set forth herein.

Previous Compatibility Planning for Truckee Tahoe Airport

The Foothill Airport Land Use Commission (FALUC) adopted the original compatibility plan for Truckee Tahoe Airport—entitled *Truckee Tahoe Airport Comprehensive Land Use Plan*—in December 1986. That plan, together with plans for other airports under the FALUC jurisdiction, was prepared with the assistance of the Sacramento Area Council of Governments (SACOG). SACOG serves as the ALUC for Sacramento, Sutter, Yolo, and Yuba counties. FALUC adopted revisions to the Truckee Tahoe Airport plan in February 1990, but no further changes were made.

In conjunction with the study that led to TTAD adoption of the *Truckee Tahoe Airport Master Plan* in 2000, the district's consultant also prepared a proposed new compatibility plan for the airport. The plan was submitted to the Foothill ALUC for consideration. The Commission had concerns over various components of the plan and chose not to adopt it as submitted. Instead, the decision was made to prepare a new compatibility plan under the direction of the ALUC and its staff. The 2004 *Truckee Tahoe Airport Land Use Compatibility Plan* is the outcome of that planning process.

2004 Plan Review and Adoption Process

In addition to the involvement of the Foothill ALUC and staff, significant contributions to the planning process have been provided by the staffs of the airport and the three land use jurisdictions affected by the plan. These agencies were sources of data as well as ideas regarding the objectives the plan should accomplish. During preparation of the draft plan, landowner and general public input to the planning process took place both in conjunction with regular ALUC meetings at which the plan was discussed and at a public workshop held in Truckee in May 2003.

In August 2003, a draft *Compatibility Plan* was released for agency and public review and comment. The draft plan was the subject of a series of public workshops in August 2003, March 2004, and July 2004. Various revisions to the draft plan resulted from the comments received at the workshops and in writing from affected local jurisdictions, special districts, the general public, and others.

An Initial Study of environmental impacts associated with adoption of the revised draft plan was then prepared in accordance with California Environmental Quality Act (CEQA) guidelines. The Initial Study was completed in August 2004 and circulated for public and agency review and comment, as well as submitted to the California State Clearinghouse. Based on the conclusion that adoption of the plan would not create significant environmental impacts, a proposed Negative Declaration was prepared.

The Foothill ALUC held formal public hearings on the revised draft plan and environmental documents in Truckee in October and December 2004. The Commission then officially adopted the Negative Declaration and the *Compatibility Plan* on December 2, 2004. All revisions to the draft plan are incorporated into this printing of the adopted *Truckee Tahoe Airport Land Use Compatibility Plan*.

2010 Plan Review and Adoption Process

In May 2010 the Nevada County Transportation Commission (NCTC) authorized staff to support the Truckee Tahoe ALUC and the NCTC Executive Director, Daniel Landon, took on the task of organizing a new ALUC for the Truckee Tahoe Airport. The six members were appointed, as directed in state law, by the necessary boards and committees. The data contained in the December 2004 *Truckee Tahoe Airport Land Use Compatibility Plan* was found to be current and applicable information, so the Truckee Tahoe ALUC staff updated the text and exhibits as needed to reflect the new ALUC name and the names of the newly appointed members. On October 19, 2010 the Truckee Tahoe ALUC acknowledged the adoption of the *Truckee Tahoe Airport Land Use Compatibility Plan* and *Negative Declaration* by the Foothill ALUC through Resolution No. 04-09-P on December 2, 2004, and by adoption of Resolution 10-01 the Truckee Tahoe ALUC stated they will implement the 2010 *Truckee Tahoe Airport Land Use Compatibility Plan*.

PLAN IMPLEMENTATION

General Plan Consistency

As noted above, state law requires each local agency having jurisdiction over land uses within an ALUC's planning area to modify its general plan and any affected specific plans to be consistent with the compatibility plan. The law says that the local agency must take this action within 180 days of when the ALUC adopts or amends its plan. The only other course of action available to local agencies is to overrule the ALUC by a two-thirds vote after first holding a public hearing and making findings that the agency's plans are consistent with the intent of state airport land use planning statutes.

A general plan does not need to be identical with the ALUC plan in order to be consistent with it. To meet the consistency test, a general plan must do two things:

- It must specifically address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document; and
- It must avoid direct conflicts with compatibility planning criteria.

Many community general plans pay little attention to the noise and safety factors associated with airport land use compatibility. Also, some of the designated land uses of property near an airport frequently are contrary to good compatibility planning. It is anticipated that each of the land use jurisdictions affected by this *Compatibility Plan* will need to make some modification to its general plan and/or other land use policy documents in order to meet the plan consistency requirements. (Note: An initial assessment of the consistency between the current local general plans and the policies set forth in this ALUC *Compatibility Plan* is contained in Chapter 3, Exhibit 3N herein.)

Compatibility planning issues can be reflected in a general plan in several ways:

- > **Incorporate Policies into Existing General Plan Elements**—One method of achieving the necessary planning consistency is to modify existing general plan elements. For example, airport land use noise policies could be inserted into the noise element, safety policies could be placed into a safety element, and the primary compatibility criteria and associated maps plus the procedural policies might fit into the land use element. With this approach, direct conflicts would be eliminated and the majority of the mechanisms and procedures to ensure compliance with compatibility criteria could be fully incorporated into a local jurisdiction's general plan.
- > **Adopt a General Plan Airport Element**—Another approach is to prepare a separate airport element of the general plan. Such a format may be advantageous when a community's general plan also needs to address on-airport development and operational issues. Modification of other plan elements to provide cross referencing and eliminate conflicts would still be necessary.
- > **Adopt Compatibility Plan as Stand-Alone Document**—Jurisdictions selecting this option would simply adopt as a local policy document the relevant portions of the *Compatibility Plan*—specifically, Chapter 2 plus any background information they wish to include. Changes to the community's existing general plan would be minimal. Policy reference to the separate *Compatibility Plan* document would need to be added and any direct land use or other conflicts with compatibility planning criteria would have to be removed. Limited discussion of compatibility planning issues could be included in the general plan, but the substance of most compatibility policies would appear only in the stand-alone document.

- > **Adopt Airport Combining District or Overlay Zoning Ordinance**—This approach is similar to the stand-alone document except that the local jurisdiction would not explicitly adopt the *Compatibility Plan* as policy. Instead, the compatibility policies would be restructured as an airport combining or overlay zoning ordinance. A combining zone serves as an overlay of standard community-wide land use zones and modifies or limits the uses permitted by the underlying zone. Flood hazard combining zoning is a common example. An airport combining zone ordinance can serve as a convenient means of bringing various airport compatibility criteria into one place. The airport-related height-limit zoning that many jurisdictions have adopted as a means of protecting airport airspace is a form of combining district zoning. Noise and safety compatibility criteria, together with procedural policies, would need to be added to create a complete airport compatibility zoning ordinance. Other than where direct conflicts need to be eliminated from the local plans, implementation of the compatibility policies would be accomplished solely through the zoning ordinance. Policy reference to airport compatibility in the general plan could be as simple as mentioning support for the airport land use commission and stating that policy implementation is by means of the combining zone. (An outline of topics which could be addressed in an airport combining zone is included in Appendix G.)

Project Referrals

In addition to the types of land use actions for which referral to the ALUC is mandatory in accordance with state law, the *Compatibility Plan* specifies other land use projects that either must or should be submitted for review. These *major land use actions* are defined in Chapter 2. Beginning with when this plan is adopted by the Airport Land Use Commission and continuing until such time as local jurisdictions have made the necessary modifications to their general plans, all of these major land use actions are to be submitted to the commission for review. After local agencies have made their general plans consistent with the *Compatibility Plan*, the ALUC requests that these major actions continue to be submitted on a voluntary basis. These procedures must be indicated in the local jurisdiction's general plan or other implementing policy document in order for the general plan to be considered fully consistent with the *Compatibility Plan*.

PLAN CONTENTS

The *Compatibility Plan* is organized into three chapters and a set of appendices. The intent of this introductory chapter is to set the overall context of airport land use compatibility planning in general and for the Truckee Tahoe Airport and Truckee Tahoe Airport Land Use Commission in particular. The policies and maps in Chapter 2 constitute the most important components of the plan. The policies establish compatibility criteria for future land use development in the airport environs. The policies also define the types of actions to be submitted for ALUC review and the procedures that the ALUC will follow in making compatibility determinations.

Chapter 3 and the appendices contain background and supporting information used in creation of the *Compatibility Plan*. Data specific to the Truckee Tahoe Airport and its environs is found in Chapter 3. The appendices include a copy of state statutes concerning airport land use commissions along with other general information pertaining to airport land use compatibility planning.

A copy of the CEQA Initial Study and documents related to the adoption of the Negative Declaration and this *Compatibility Plan* are included in the back of this volume.